

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RICHARD DALY,

Plaintiff,

- against -

METRO-NORTH COMMUTER RAILROAD,

Defendant.  
-----X

**RULE 7.1 STATEMENT**

08 CV 00234 (GEL)

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable Judges and Magistrate Judges of the court to evaluate possible disqualification or recusal, the undersigned counsel for defendant Metro-North Commuter Railroad ("Metro-North") certifies that Metro-North is a Public Benefit Corporation organized and existed under the laws of the state of New York and does not have any outstanding securities in the hands of the public.


These representations are made in order that the judges of this court may determine the need for recusal.

Dated: New York, New York  
February 29, 2008

Respectfully submitted,

LANDMAN CORSI BALLAINE & FORD P.C.

By:

  
Philip DiBerardino (PD 9274)  
Attorneys for Defendant  
Metro-North Commuter Railroad  
120 Broadway, 27th Floor  
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(212) 238-4800

TO: LAW OFFICES OF MICHAEL FLYNN PC  
Attorneys for Plaintiff  
1205 Franklin Avenue  
Garden City, New York 11530  
(516) 877-1234

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK     }  
COUNTY OF NEW YORK } ss.:

**Jelena Brigida**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at BROOKLYN, NEW YORK.

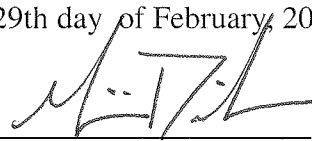
That on the 29th day of February, 2008, deponent served the within **RULE 7.1**  
**STATEMENT**  
upon

LAW OFFICES OF MICHAEL FLYNN PC  
Attorneys for Plaintiff  
1205 Franklin Avenue  
Garden City, New York 11530  
(516) 877-1234

attorneys in this s action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

  
\_\_\_\_\_  
Jelena Brigida

Sworn to before me this  
29th day of February, 2008

  
\_\_\_\_\_  
Notary

MIRIAM DEIKUN  
Notary Public, State of New York  
No. 01DE6141377  
Qualified in Queens County  
Commission Expires February 21, 20\_\_